

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jerome C. Bertrand *et al.*

Serial No.: 10/036,825

Group No.: 1714

Filed: 11/08/2001

Examiner: Toomer, C.D.

Entitled: **Non Sooting Candle Composition**

DECLARATION OF JEROME BERTRAND

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: **Mail Stop RCE**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 13, 2004

By: _____

Cliff Cannon-Cin

Dear Madam:

I, Jerome Bertrand, under penalty of perjury, state that:

1. I have expertise in the chemistry and preparation of candles, and I am a coinventor of the instant application.
2. One skilled in the art would not expect the candle compositions of Pungs (US Patent No. 1,950,814) comprising up to 20% fatty alcohol to have the **same** properties as the candle compositions of the instant application comprising at least 25% fatty alcohol. For instance, candles comprising at least 25% fatty alcohol would possess multiple superior attributes:
 - i) a more controlled burn profile;
 - ii) less volume shrinkage and therefore less contraction at the wick and core;
 - iii) greater adhesion to glass in container applications;
 - iv) smoother surface finish;
 - v) greater translucency (less opacity) resulting in greater light transmission;

- vi) improved ability to receive and retain fragrance within the candle's crystalline structure, thereby preventing "syneresis" (fragrance oiling out), while still permitting excellent cold "throw" (fragrance odor impact) when the candle is not lit and hot "throw" when the candle is burning; and
- vii) improved ability to receive dyes and pigments in order to give a richer, fuller spectrum of possible color options.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: JANUARY 12, 2004



Jerome Bertrand